

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BUFFALO AIRWAYS LTD. ,

Plaintiff,

v.

AIRSTRIKE FIREFIGHTERS LLC ET
AL,

Defendants.

CASE NO. 2:23-cv-01589

ORDER GRANTING STIPULATED
MOTION TO WITHDRAW AS
COUNSEL OF RECORD

This matter comes before the Court on the parties' stipulation to the withdrawal of Lasher Holzapfel Sperry & Eberson, PLLC ("LHSE") as counsel of record for Defendants Airstrike Firefighters, LLC ("Airstrike") and Scott Schorzman ("Schorzman"). Dkt. No. 25. For the reasons explained below, the Court GRANTS the stipulated motion.

District courts have discretion to approve or deny a motion to withdraw as counsel. *See McNall v. Pac. Ret. Servs., Inc.*, 859 F. App'x 48, 49 (9th Cir. 2021). "In deciding whether to grant a request to withdraw, the Court must consider: (1) the reasons why withdrawal is sought; (2) the prejudice withdrawal may cause to other litigants; (3) the harm withdrawal might cause to the administration of justice; and

1 (4) the degree to which withdrawal will delay the resolution of the case.” *United*
2 *States v. Centene Corp.*, No. 2:21-CV-01542, 2022 WL 17403447, at *1 (W.D. Wash.
3 Dec. 2, 2022).

4 Here, the Court finds that withdrawal of counsel will not unduly prejudice
5 the litigants, harm the administration of justice, or delay resolution of this case.
6 Defendant William Douglass, who will not be unrepresented, states an intention to
7 file a Chapter 7 bankruptcy proceeding. *Id.* at 2. Defendant Schorzman, who will be
8 unrepresented, affirmatively requests LHSE to withdraw so he may communicate
9 directly with Plaintiff’s counsel without incurring legal expenses. *Id.* Defendant
10 Airstrike, who will be unrepresented, has entered state receivership proceedings;
11 therefore, this action is stayed as to Airstrike. Dkt. No. 24; RCW 7.60.110. All
12 parties have stipulated to withdrawal of counsel. *See* Dkt. No. 25. As such, the
13 factors weigh in favor of approving withdrawal.


14 The Court also finds that the parties have complied with the rules governing
15 withdrawal. “A stipulation and proposed order for withdrawal must (1) be signed by
16 all opposing counsel or pro se parties, and (2) be signed by the party’s new counsel,
17 if appropriate, or by the party. If a withdrawal will leave a party unrepresented, the
18 motion to withdraw must include the party’s address and telephone number.” LCR
19 83.2(b)(1). The parties have satisfied these requirements. *See* Dkt. No. 25.

20 Additionally, the parties have complied with the requirements governing
21 unrepresented business entities. Generally, “[a] business entity... must be
22 represented by counsel.” LCR 83.2(b)(4); *see Rowland v. California Men's Colony,*
23 *Unit II Men's Advisory Council*, 506 U.S. 194, 201-2 (1993). Therefore, “[i]f the

1 attorney for a business entity... is seeking to withdraw, the attorney shall certify to
2 the court that [they have] advised the business entity that it is required by law to be
3 represented by an attorney admitted to practice before this court and that failure to
4 obtain a replacement attorney by the date the withdrawal is effective may result
5 in... entry of default against the business entity as to any claims of other parties.”
6 LCR 83.2(b)(4). Here, Airstrike will be unrepresented. However, the parties
7 anticipate that “remaining issues Plaintiff has pertaining to Airstrike are to be
8 adjudicated as a claim in [Airstrike’s] receivership.” Dkt. No. 25 at 3. And LHSE
9 certifies—and Airstrike’s receiver stipulates—that LHSE has advised the receiver
10 that “in the unlikely event the stay is lifted as to Airstrike as to this case, failure to
11 obtain replacement counsel for Airstrike may result in default.” *Id.* This
12 certification is sufficient. Defendant Airstrike, through its receiver, has fair notice
13 that it must be represented by counsel if its receivership ends and proceedings
14 against it resume in this Court.

15 In sum, the Court GRANTS the motion for withdrawal of counsel and deems
16 Airstrike and Schorzman to be presently unrepresented. Additionally, the Court
17 ORDERS the parties to notify the Court as to when Airstrike’s receivership has
18 ended and the stay is lifted. Such notice shall be filed within FOURTEEN (14) days
19 of the termination of receivership proceedings.

20 Dated this 20th day of November, 2024.

21 
22 Jamal N. Whitehead
23 United States District Judge